

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
v.)	Civil Action No.: 3:07CV397
)	
APPROXIMATELY 53 PIT BULLDOGS,)	
)	
Defendant.)	

MOTION FOR FIRST ORDER AS TO DISPOSITION

COMES NOW the United States of America, pursuant to 7 U.S.C. § 2156(f), and herewith moves the court to enter an order of disposition as to one of the forfeited dogs. In support of this motion, the government states the following:

1. This is a forfeiture action pursuant to 7 U.S.C. §215(f) which provides in pertinent part: “Any animal involved in any violation of this section shall be liable to be proceeded against and forfeited to the United States . . . and **upon a judgment of forfeiture shall be disposed of by sale for lawful purposes or by other humane means, as the court may direct.**” (Emphasis added).

2. On August 31, 2007, the Court entered an order forfeiting the defendant pit bulldogs to the United States, and withheld a final disposition pending the results of an evaluation to be conducted by contractors for the United States Department of Agriculture.

3. Between September 4 and 6, 2007, a team of certified animal behavior experts assembled by the American Society for the Prevention of Cruelty to Animals (ASPCA)

conducted individualized behavior testing of all of the forfeited animals. The experts had previously devised a protocol of some 11 exercises to evaluate each dog's behavior toward humans and other animals. Most of the evaluators hold doctorate degrees in a discipline relevant to animal behavior. The results of the testing were recorded on a matrix describing the test results, and the testing sessions were videotaped to permit the evaluators to collectively review the testing sessions as needed. Each dog was classified by the evaluators into categories corresponding to one of five possible disposition recommendations. Those categories were as follows:

a. Foster Care/Observation - These dogs showed no sign of aggression or threat to either people or dogs. Placement is recommended in an experienced foster care home where additional observation and rehabilitation can take place over six to twelve months and may result in these dogs eventually being placed in appropriately screened homes.

b. Law Dog - These dogs exhibit suitability for a specialized program for highly energetic and motivated dogs. With proper training, these dogs may be suitable for eventual placement with law enforcement agencies.

c. Sanctuary 1 - These dogs exhibit fear or lack of socialization with people or other dogs. The experts recommend placement in a sanctuary with more control over the dog's interaction with people and dogs. The sanctuary should provide the dog with controlled experience and interaction with people and other dogs. Some of these dogs may eventually move to a foster care program.

d. Sanctuary 2 - These dogs exhibit mild to intense threat to stimulus and may have shown high arousal towards people. Placement in a sanctuary with extensive breed experience is possible.

e. Euthanasia - These dogs exhibit intense aggression to people or evidence of a significant medical problem which requires euthanasia.

4. There are currently 49 of the original 53 dogs seized in the government's custody. One of the 49 remaining dogs one is deemed an immediate candidate for euthanasia because during the evaluation it exhibited intense aggression to humans to the point where the evaluation could not safely be completed. This particular dog has a history of biting humans. After consultation with the evaluation team leader and review of the evaluation results, the United States recommends that the Court adopt the recommendation of the government to order the humane euthanasia of the dog identified as number 2621. The euthanasia will be carried out by a licensed veterinarian using a medical procedure routinely used to humanely euthanize dogs.

5. As 48 of the dogs appear to have some potential for possible placement with specific conditions, the United States anticipates moving the court to appoint a guardian/special master to oversee the disposition and possible placement of the remaining 48 dogs.

WHEREFORE, the United States prays the Court will enter an order as prayed for herein.

Respectfully submitted,

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